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Attorneys for DAVID KLARMAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID SCOTT KLARMAN,

Defendant.

Case No. CR 03-0213 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER RELEASING FUNDS ON
DEPOSIT IN ESCROW ACCOUNT
WITH THE CLERK OF THE COURT**

STIPULATION

Defendant David Scott Klarman, by and through his counsel, Edward W. Swanson, and the United States, by and through its attorney, Laurel Beeler, Assistant United States Attorney, hereby stipulate and agree as follows:

1. At the time that Mr. Klarman pled guilty, he transferred, pursuant to Paragraph 9 of the Amended Plea Agreement in the above-captioned case, not less than \$5,000,000.00 into an escrow account with the Clerk of the Court ("Escrow Account"). Paragraph 9 of the Amended Plea Agreement states the following regarding the release of the funds in the Escrow Account:

I agree that the funds shall be disbursed in the following order of priority, as the amount of funds allows:

(1) Restitution in an amount determined and ordered by this Court, according to the procedures set forth in 18 U.S.C. § 3664;

(2) Pre-judgment interest based on the amount of restitution, to be set as of the filing of this Plea Agreement and to be deposited with the Court Registry for payment to the Securities and Exchange Commission; and

(3) Any remainder to be remitted to the United States Marshal for forfeiture.

2. As of July 28, 2006, the amount on deposit in the Escrow Account was approximately \$5,388,000.00. Pursuant to Paragraph 9 of the Amended Plea Agreement, the parties agree that the full amount in the Escrow Account should be released as restitution to the Liquidating Agent of the Liquidating Trust of the Estates of U.S. Wireless Corporation, Wireless Location Technologies, Inc., and Wireless Location Services, Inc., appointed pursuant to the confirmed plan of liquidation in the matter of *In re: U.S. Wireless Corporation, Wireless Location Technologies, Inc., and Wireless Location Services, Inc.*, Case Nos. 01-10262 through 01-10264 (CSS), in the United States Bankruptcy Court for the District of Delaware, as successor to U.S. Wireless Corporation, Wireless Location Technologies, Inc., and Wireless Location Services, Inc. ("the Liquidating Trust").

3. The Liquidating Trust's claim to the funds held in the Escrow Account shall be remitted to the Liquidating Trust, by and through its Liquidating Agent, Executive Sound Board Associates, 1300 North Market Street, Suite 306, Wilmington, Delaware 19801.

IT IS SO STIPULATED.

Dated: August 25, 2006

/s/
Edward W. Swanson
SWANSON, MCNAMARA & HALLER LLP
Attorney for David S. Klarman

Dated: August 25, 2006

/s/
Laurel Beeler
Assistant United States Attorney

ORDER

PURSUANT TO STIPULATION, the Court HEREBY ORDERS that the custodian of the Escrow Account remit the proceeds of the Escrow Account to the Liquidating Trust of U.S. Wireless Corporation, et al., by and through its Liquidating Agent, Executive Sound Board Associates, 1300 North Market Street, Suite 306, Wilmington, Delaware 19801, Attention: Neil Gilmour III.

IT IS SO ORDERED.

Dated: 8/28/06

The Hon.
United States

